

JUDGE BATTIS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
HAMID EL AMARTI

Plaintiff,

-against-

ANDREA QUARANTILLO,

New York District Director of
U.S. Citizenship and Immigration Services

Defendant.
-----X

PETITION FOR HEARING
ON NATURALIZATION
APPLICATION

USCIS No. A47 025 404

SEP 11 2007

U.S.D.C. S.D. N.Y.
CASHIERS

1. This is a petition for a hearing of Plaintiff's application for naturalization on the ground that Defendant has failed to make a determination under 8 U.S.C. § 1446.

PARTIES

2. Plaintiff Hamid EL AMARTI is a native and citizen of Morocco. He has been a lawful permanent resident of the United States since 13 June 1999. At all times hereinafter-mentioned Plaintiff was and still is a resident of Bronx County. He currently resides at 2125 St. Raymond Ave., #3-E, Bronx, NY 10462. His alien registration number is A47 025 404.

3. Defendant Andrea Quarantillo is the New York District Director of the United States Citizenship and Immigration Services ("USCIS") with the supervisory authority over all operations of the USCIS within the New York district, including the authority to grant or deny naturalization applications submitted to the USCIS within the New York district pursuant to 8 U.S.C. § 1421 and 8 U.S.C. § 1427. Defendant is sued in her official capacity.

JURISDICTION

4. Jurisdiction in this case is proper under 8 U.S.C. § 1447(b), and 28 U.S.C. § 2201. Relief is requested pursuant to said statutes.

VENUE

5. Venue is proper in this court pursuant to 8 U.S.C. § 1447(b) in that this is an action against officers and agencies of the United States in their official capacities, brought in the District in which Plaintiff resides.

CAUSE OF ACTION

6. In 2005, Plaintiff filed an Application for naturalization on Form N-400 (Receipt # ESC *001413009). On 26 April 2006 he was examined on that application.

7. At his examination, Plaintiff passed the English language and U.S. history and government tests. Plaintiff was advised verbally that he passed these tests.

8. Over the past 16 months, Plaintiff has made repeated inquiries into the status of his case. On each occasion, Plaintiff has been told the case is pending the results of a mandated agency security check, the purpose of which is to confirm that Plaintiff has no criminal record and presents no security risk.

9. More than 120 days have passed since the initial examination and the Defendant has made no decision on Plaintiff's application.

10. The Defendant's failure to make a determination of Plaintiff's application within the 120 day statutory period allows Plaintiff to bring the matter to this Court for a hearing pursuant to 8 U.S.C. § 1447(b).


11. Plaintiff desires a judicial determination of his naturalization application and a declaration that he is entitled to be naturalized as a citizen of the United States. A period in excess of one year should be more than sufficient time to complete the security check and adjudicate this application.

WHEREFORE, in view of the arguments and authority noted herein, Plaintiff respectfully requests that, upon due consideration, the Court agree to hear Plaintiff's case and render a declaratory judgment that he is entitled to be naturalized, and grant such other relief as justice may require.

Dated: 22 August 2007

Respectfully submitted,

PLUNKETT & DONNARD



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